

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

BERNHARDT TIEDE, II,

Plaintiffs,

v.

BRIAN COLLIER, et al.

Defendants.

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Civil Action No.
1:23-CV-1004-RP

**PLAINTIFF'S RESPONSE IN OPPOSITION TO DEFENDANTS TEXAS
DEPARTMENT OF CRIMINAL JUSTICE AND BRYAN COLLIER'S MOTION TO
DISMISS**

Exhibit 24

Declaration of Bernhardt Tiede, II

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Civil Action No.
1:23-CV-1004-RP

DECLARATION OF BERNHARDT TIEDE, II

I, Bernhardt Tiede, II, am over the age of 18 and competent to attest to the following:

1. The following information is within my personal knowledge.
2. I have been continuously incarcerated in the Texas Department of Criminal Justice (TDCJ) since the middle of 2016.
3. Throughout my incarceration, I have lived in housing that did not have air conditioning on many occasions for long periods of time during the summer months.
4. TDCJ housed me without air conditioning during portions of the summers of 2016, 2022, and 2023.
5. When I have been housed without air conditioning during the summer, the heat makes me miserable. I have trouble sleeping in the heat because I feel that I am rolling around in my own sweat. Even when I am able to get to sleep, the heat wakes me up. I have trouble breathing in the heat. I often feel that I cannot do anything because I am so tired and feel so unwell during the heat.
6. During the day when I was housed without air conditioning during the summer of 2023, my cell would often feel like 120 degrees Fahrenheit. I saw TDCJ staff measuring the

temperatures and they would often note temperatures were above 100 degrees Fahrenheit.

7. I have seen people sweat through their clothes due to the heat in my housing areas.
8. Due to the degree of the heat and how inescapable it is when I am assigned to housing that does not have air conditioning during to the summer, I feel that being returned to non-air-conditioned housing next summer would be detrimental to my health.
9. On June 21, 2023 while being housed in extreme heat, I experienced stroke-like symptoms, which continued on and off on this day and the following day, June 22, 2023.
10. I was sent to Huntsville Memorial Hospital in an ambulance on June 22, 2023.
11. Upon my release and return to the Estelle Unit, I was placed directly into extreme heat again, it was awful.
12. I had to use a borrowed walker to move around, my face was still severely paralyzed, and suffered tremendously.
13. I had trouble eating food and could not close my left eye.
14. I was moved to an air-conditioned unit, with no explanation, for about one week.
15. With no explanation, I was returned to my extreme heat housing.
16. My health improved in air-conditioning, and the I became sicker again when I was moved back to extreme heat.
17. I was not moved back to air-conditioned housing until after this lawsuit was filed, and the federal court granted my TRO and amended TRO.
18. I continue to experience facial paralysis on one side of my face, and the insides of my cheeks are still numb on the other side of my face.

19. I have been ordered to get another MRI and CAT Scan about five weeks ago, and have yet to receive the procedures as of November 9, 2023.

20. I declare under penalty of perjury that the foregoing is true and correct.

Executed on 11/10/23.
(date)

Signed:



Bernhardt Tiede, II.